

AMENDED IN ASSEMBLY MARCH 19, 2003

AMENDED IN ASSEMBLY MARCH 3, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

## ASSEMBLY BILL

**No. 207**

### **Introduced by Assembly Member Maze**

*(Coauthors: Assembly Members Chavez, Cogdill, Cox, Diaz, Dutton, Goldberg, Harman, Haynes, La Suer, Pacheco, Parra, Runner, Samuelian, Spitzer, Strickland, and Wyland)*

*(Coauthors: Senators Battin and Knight)*

January 28, 2003

---

An act to ~~add Section 594.37 to~~ *amend Section 594.35* of the Penal Code, relating to vandalism.

#### LEGISLATIVE COUNSEL'S DIGEST

AB 207, as amended, Maze. Vandalism.

Existing law defines certain destructive acts as vandalism when committed with respect to the real or personal property of another, as specified. Existing law also provides that it is a crime, punishable by imprisonment in the state prison or in a county jail, to commit various destructive acts with respect to a cemetery marker, tomb, monument, memorial, or grave.

This bill would *also* provide that it is a crime, punishable by imprisonment in the state prison ~~and a fine or in a county jail~~, to commit an act of vandalism with respect to a veterans' memorial; *or* monument; *or* cemetery. ~~This bill would provide that the fine imposed for a violation of these provisions would be used for the repair and renovation of the damaged memorial, monument, or tomb with any~~

~~remainder deposited into the Veteran Hospital Fund, which it creates, and used, upon appropriation by the Legislature, to fund veterans' hospitals.~~ Because this bill would ~~create a new~~ *change the definition of* a crime, it would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

*The people of the State of California do enact as follows:*

- 1     ~~SECTION 1. Section 594.37 is added to the Penal Code, to~~  
2     *SECTION 1. Section 594.35 of the Penal Code is amended to*  
3     *read:*  
4     594.35. Every person is guilty of a crime and punishable by  
5     imprisonment in the state prison or by imprisonment in a county  
6     jail for not exceeding one year, who maliciously does any of the  
7     following:  
8     (a) Destroys, cuts, mutilates, effaces, or otherwise injures, tears  
9     down, or removes any tomb, monument, memorial, or marker in  
10    a cemetery, or any gate, door, fence, wall, post or railing, or any  
11    inclosure for the protection of a cemetery or mortuary or any  
12    property in a cemetery or mortuary.  
13    (b) *Destroys, mutilates, effaces, damages, or otherwise injures*  
14    *or removes a Veterans' memorial or monument located any place*  
15    *in the state.*  
16    (c) Obliterates any grave, vault, niche, or crypt.  
17    ~~(e)~~  
18    (d) Destroys, cuts, breaks or injures any mortuary building or  
19    any building, statuary, or ornamentation within the limits of a  
20    cemetery.  
21    ~~(d)~~  
22    (e) Disturbs, obstructs, detains or interferes with any person  
23    carrying or accompanying human remains to a cemetery or funeral  
24    establishment, or engaged in a funeral service, or an interment.



SEC. 2. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

read:

~~594.37. Any person who knowingly commits any act of vandalism, as defined in Section 594, with respect to a veterans' memorial, monument, marker, cemetery, or tomb, is guilty of a felony punishable by imprisonment in the state prison and a fine not to exceed \_\_\_\_\_ dollars (\$\_\_\_\_\_). Every fine imposed and collected under this section shall be used for the repair and renovation of the damaged memorial, monument, marker, cemetery, or tomb with any remainder deposited into the Veteran Hospital Fund, which is hereby created in the General Fund and, upon appropriation by the Legislature, shall be used for the support of veterans' hospitals. No more than 5 percent of the funds in the Veteran Hospital Fund shall be used to cover administrative costs.~~

~~SEC. 2. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.~~